

# **The Corporation of the Township of Guelph/Eramosa**

## **By-law Number 18/2021**

**(Consolidated Version Enacted as 18-2021)**

Last consolidated on May 3, 2021. The Township of Guelph-Eramosa by-laws are provided on line for convenient public reference. By-laws are consolidated on an ongoing basis, but recent amendments may not be reflected in the latest consolidated version. Check the [Amendment History](#) to get a complete listing of all pertinent regulations. For further information contact the Township's Clerk office.

### **Being a by-law to regulate the installation, construction, alteration or change in the use of any private Entraceway that Permits access to a Township Road Allowance**

**WHEREAS** Section 207 (17), of the Municipal Act, S.O. 2001, c. 25, and amendments thereto, provides that the Councils of all municipalities may pass by-laws permitting and regulating the size and the mode of construction for culverts and bridges that cross any drain or watercourse situated on a highway, under the jurisdiction of the municipality;

**AND WHEREAS** Section 9 of the *Municipal Act, 2001*, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

**AND WHEREAS** Section 11 (3) 1 of the *Municipal Act, 2001*, provides that a municipality may pass by-laws within the following sphere of jurisdiction: Highways, including parking and traffic on Highways;

**AND WHEREAS** Section 391(1) of the *Municipal Act, 2001*, provides that a municipality may pass by-laws imposing fees or charges on any person for services or activities provided by the municipality or done on behalf of it;

**AND WHEREAS** Section 436 (1) of the *Municipal Act, 2001*, provides that a municipality may pass by-laws providing for the entry onto land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law;

**AND WHEREAS** Section 444 of the *Municipal Act, 2001*, provides that a municipality may make an order to require a person to discontinue contravening a by-law and to do the work required to correct the contravention;

**AND WHEREAS** Section 446 of the *Municipal Act, 2001*, provides that a municipality may proceed to do things at a person's expense which that **Person** is otherwise required to do under a by-law, but has failed to do and the costs incurred by a municipality may be recovered by adding the costs to the tax roll and collecting them in the same manner as taxes;

**AND WHEREAS** it is deemed necessary and in the public interest to regulate the installation of entraceways over ditches and watercourses and ditch improvements upon any highway which forms part of the Township of Guelph/Eramosa Road System and to issue permits for same;

**NOW THEREFORE**, the Council of the Corporation of the Township of Guelph-Eramosa enacts as follows:

## **PART 1 – SHORT TITLE**

1. This By-Law may be referred to as “The Entrance Permit By-Law”.
2. Any schedules attached to this by-law form part of this by-law and have the same force and effect as if the information in them is contained in the body of this by-law.

## **PART 2 - DEFINITIONS**

3. In this By-law:

“**Abutting Property**” means a property abutting a **Road Allowance**.

“**Applicant**” means any **Person** who has applied for a **Permit** under this By-law;

“**Corporation**” includes a company, **Corporation**, cooperative, partnership, firm, sole proprietorship, association, society, organization, any other legal entity that is not an **Individual**.

“**Curb Line**” means the edge of the travelled portion of the **Road Allowance** which shall be the outer edge of the curb, or where no curb exists, the edge of asphalt or in the case of a gravel road, 0.5 m before the start of the fore slope of the ditch or as established by a Township engineer;

“**Director**” means the Township’s **Director** of Public Works, the holder of a successor position at the Township, or their designates;

“**Derelict Vehicle**” means a Vehicle that:

- (i) is not licensed or eligible to be licensed by virtue of a current valid Safety Standards Certificate having been issued for that vehicle;
- (ii) is in a state of disrepair by reason of missing doors, glass or body parts;
- (iii) is inoperative by reason of removed wheels, battery, motor, transmission or other parts or equipment necessary for its operation;  
or
- (iv) otherwise appears inoperable or incapable of use as a means of lawful transportation.

“**Driveway**” means an approved area of the **Private property** intended and used for the ingress and egress of vehicles onto a **public road**.

“**Driveway Apron**” means that portion of any driveway, parking lot, or other hard surfaces, whether paved, poured, laid, or otherwise constituted, which extends from private property onto the travelled portion of the **Highway**.

“**Entrance**” means any **Driveway**, lane, ramp, private road, or any other structure or facility, used as a means of access to a **Road Allowance**, including any point at which a curb is interrupted or depressed to provide access from the travelled portion of **Township Road Allowance** to an **Abutting Property**;

“**Frontage**” means, where the side lot lines are parallel, the distance measured along the front lot line between the side lot lines. Where the side lot lines are not parallel, the distance measured from a point on each side lot line that is located equal to the required front yard from the front lot line or the hypothetical **Intersection** of the front lot line and the side lot line.

“**Individual**” means a natural **Person**;

**“Intersection”** means the location where two or more **Road Allowances** converge;

**“Material”** includes, but is not be limited to, earth, gravel, sand, ashes, snow, rocks, ice, signs, fences, hedges, trees, bushes, leaves, organic matter of any kind, waste, refuse, litter and rubbish;

**“Minimum Sight Distance”** sight distance measured from eye height of 1.05 metres measured 3.0 metres from outer edge of traffic lane to an object height of 1.3 metres above the roadway surface.

**“Officer”** shall mean a Municipal Law Enforcement Officer, By-Law Enforcement Officer, Property Standards Officer, Building Inspector or a Police Officer, or any other **Person** appointed by By-law to enforce the provisions of this By-law;

**“Owner”** shall mean:

- (a) the **Person** for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the **Person’s** own account or as agent or trustee of any other **Person**, or who would receive the rent if the land and premises were let; and
- (b) a lessee or occupant or tenant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;

**“Permit”** means a **Permit** issued by the **Township** pursuant to this By-law or under a repealed By-Law of the Township to which this By-Law is a successor;

**“Permit Holder”** means the **Person** to whom a **Permit** has been issued, or transferred to with the consent of the Director;

**“Person”** includes an **Individual** and a **Corporation**;

**“Public Authority”** includes the Township, County of Wellington, Wellington Dufferin and Wellington Catholic District School Boards, the Grand Region Conservation Authority, the Crown in Right of Ontario, the Crown in Right of Canada or any of their ministries, agencies, boards or Crown **Corporations**.

**“Public Property”** means property that is owned, leased or rented by a **Public Authority**

**“Private property”** means property that is privately owned and is not **Public Property**;

**“Restricted Entrance”** means any **Entrance** that is approved and constructed for directionally controlled traffic;

**“Road Allowance”** includes all **Road Allowances**, highways, streets, roads, parkways, avenues, lanes, boulevards, squares, roundabouts, trails, paths, walkways, bridges, viaducts, trestles or other structure forming part of a highway under the jurisdiction of the **Township**, used by or intended for use by the general public for the passage of **Persons** or vehicles;

**“Services”** means all servicing on any lands and easements owned or held by the Township, including, water, wastewater and stormwater facilities, roads, structures, fencing, boulevard grading, sodding, tree planting, landscaping, walkways, **Driveways**, street lights, erosion control work, street signs, traffic control devices

“**Township**” means The **Corporation** of the **Township** of Guelph/Eramosa or the land within the municipal boundaries of the **Township** of Guelph/Eramosa, as the context requires;

“**Township Road Allowance**” means a **Road Allowance** under the jurisdiction of the Township;

“**Township Standards**” means those standards, requirements and specifications set out in the Township’s Development Standards as may be amended from time to time and all other applicable policies and by-laws of the Township as may be amended from time to time, including without limitation, applicable zoning by-laws;

“**Treasurer**” means the Township’s **Director of Finance** or their designate;

“**Urban Area**” means those lands within the Urban Centre or Hamlet Area Boundaries set out in the County of Wellington Official Plan;

“**Rural Area**” means those lands outside the Urban Centre or Hamlet Area Boundary as set out in the in force and effect County of Wellington Official Plan.

“**Vehicle**” includes a motor vehicle as defined in the Highway Traffic Act, a trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle, streetcar, cars of electric or steam railways running only upon rails or power-assisted bicycle.

### **PART 3 – PROHIBITIONS**

Every person shall comply with the following requirements:

[Amended/added as per Section 1 of By-law XX-2021 on May 3, 2021.]

4. No **Person** shall construct, install, widen, or alter any **Entrance** without a **Permit**. [Amended by Section 2 of By-law XX-2021 on May 3, 2021.]
5. Where a **Permit** has been issued, no **Person** shall construct, install, widen or alter any **Entrance** or any other activity or thing prohibited by Section 4, except in accordance with the plans, specifications, documents, and any other information submitted to the **Township** and relied upon by the **Township** in issuing the **Permit** and in accordance with any applicable terms or conditions of the **Permit**.
6. An **Entrance**, if authorized by a **Permit**, shall be used to provide access to the **Abutting Property** for which the **Permit** was issued and shall not be used, constructed, installed, widened or altered for any other purpose.
7. No equipment, **Materials**, goods, **Vehicles**, **Derelict Vehicles** or things shall be placed, stored, deposited within an **Entrance**.
8. **Entrances** shall not be permitted where the following **Minimum Sight Distance** requirements are not met:

<b>Posted Speed (km/hr.)</b>	<b>Minimum Sight Distance (m)</b>
50	135
60	165
80	200
90	210

9. A **Permit** shall be required for the following work:
  - (a) Construction of an unpaved **Entrance**.
  - (b) Construction of curbs, gutters or other permanent works related to an **Entrance**.
  - (c) Construction of a paved **Entrance**.
  - (d) Paving an existing **Entrance**.
  - (e) Add curbs, gutters or other permanent works to an existing **Entrance**.
  - (f) Change the design of an existing **Entrance**.
  - (g) Change the location of an existing **Entrance**.
  - (h) Use an existing **Entrance** for other than its original, present, or normal use (change of classification from residential to commercial, etc.).

#### **PART 4 – EXEMPTIONS**

10. All existing **Entrances** having access to a **Township** road which have been legally in existence prior to the passage of this By-law, shall be allowed to remain for their present land use unless changes to those **Entrances** are being proposed or required as a result of land use development.

#### **PART 5 - MAINTENANCE, REPAIR AND RELOCATION**

11. Every **Entrance** located on a **Township Road Allowance** shall be maintained in good condition by the **Owner** at his or her own expense in accordance with **Township Standards** and shall be free and clear of all obstructions.
12. The **Township** may alter, construct or remove any **Entrance**, within a **Township Road Allowance** without notice, or compensation to any **Person**, including any **Permit Holder** or **Owner**. This right also extends to a third-party utility service, provided the work by the third party utility service is approved by the **Township**.

#### **PART 6 - APPLICATIONS FOR PERMITS**

13. The following **Persons** may apply to the **Director** for a **Permit**:
  - (a) the registered or beneficial **Owner** of an **Abutting Property** may apply for an **Entrance Permit** to authorize an **Entrance**;
14. Except as provided in Section 15, an application for a **Permit** shall:
  - (a) be in such form as approved by the **Director**;
  - (b) contain all such information and documents as may be required by the **Director**; and
  - (c) include the following non-refundable fees in accordance with the **Township's Fees and Charges By-law** as amended.
    - i. an application fee;
    - ii. a minimum of one (1) inspection fee; and
    - iii. inspection fees for any additional inspections as may be deemed necessary by the **Director**.
  - (d) if required by the **Director**, a detailed estimate of costs for any proposed **Entrance**, which shall be subject to review and approval by the **Director**; and
  - (e) an executed agreement to indemnify and save harmless the Township from all actions, causes of action, suits, claims, demands and costs whatsoever arising by reason of the **Applicant**, his/her agents or employees and contractors doing, failing to do, or doing incorrectly or negligently anything the **Applicant** is required to do under the terms of the **Permit** or this by-law in such form as approved by the **Director**.
15. Where a **Permit** is required for an **Entrance**, and a complete application has been submitted for Site Plan Approval or Site Alteration in respect of the **Abutting Property**, the **Applicant** is exempt from the **Permit** application requirements set out in Subsections 14 (b) and (c).

## **PART 7 - PERMIT APPROVAL**

16. Prior to the issuance of a **Permit**, the **Applicant** shall:
  - (a) complete all application requirements set out in Section 14;
  - (b) deposit with the **Township** financial security in the amount of 100% of the combined total of:
    - i. the cost estimate approved under Subsection 14 (d); and
    - ii. the estimated cost of any work to be performed by a **Township** contractor, including curb cuts and culverts;any financial security deposited with the **Township** must be in a form acceptable to the **Township's Treasurer**;
  - (c) provide any additional documents or information requested by the **Director**;
  - (d) obtain and provide the **Director** with proof of all **Permits**, approvals and authorizations required for the **Entrance**, including any required by the Grand River Conservation Authority, the Ministry of Transportation, the Ministry of Natural Resources and Forestry and the Ministry of the Environment, Conservation and Parks or any other **Public Authority**; and
  - (e) demonstrate compliance with applicable **Township Standards**.
17. The **Township** of Guelph/Eramosa's **Official Plan**, as amended from time to time, may dictate that access to certain **Township Road Allowances** and or **Township Road Allowance** classifications is not to be **Permitted** and in such instance, notwithstanding any other provision in this By-law, no **Permit** shall be issued under this By-law.
18. After considering an application for a **Permit**, the **Director** may:
  - (a) issue a **Permit**, subject to such terms and conditions as the **Director** deems appropriate, provided that the **Director** is satisfied that Section 16 of this By-law has been complied with and the issuance of the **Permit** would not be contrary to Section 17; or
  - (b) decline to issue a **Permit**.
19. A **Permit** expires ninety (90) days after the date of issuance, if the work which is the subject of the **Permit**, has not commenced within that time. After the expiration of the ninety (90) day period, a new **Permit** including payment of the applicable fees must be obtained before proceeding with such work.
20. The work which is the subject of the **Permit** must be completed by the date set out in the **Permit**. If no date is set out in the **Permit**, work must be completed within (30) days of commencement of work.
21. Notwithstanding any other provisions of this By-Law, the **Director** may revoke, alter or amend a **Permit** after issuance if the **Director** has reason to believe it is in the public interest to do so.
22. The **Township** will return any financial security to the **Permit Holder**, in accordance with the **Township's** financial policies when, the **Entrance** which is the subject of the **Permit**, is completed in conformity with the **Township's Standards** and to the satisfaction of the **Director**; any applicable warranties with respect to the work conducted under the **Permit** have expired, and all other terms and conditions of the **Permit** have been satisfied.
23. A **Permit Holder** shall not assign or transfer a **Permit** without the consent of the **Director**. [Amended by Section 3 of By-law xx-2021 on May 3, 2021.]

## **PART 8 - PERMIT CONDITIONS**

24. In addition to any terms or conditions imposed by the **Director**, the following conditions apply to all **Permits**:
  - (a) the **Permit Holder** shall be responsible for obtaining location and stakeout information for all utilities and **Services** prior to the commencement of construction and shall be responsible for any damage to existing utilities and **Services** within the **Township Road Allowance** when such damages arise out of the work undertaken by the **Permit Holder**;

- (b) all costs associated with the constructing, installing, repairing, widening or altering a **Township Road Allowance** incurred as a consequence of any **Permit** issued, as determined by the **Director**, shall be the responsibility of the **Permit Holder**;
  - (c) all construction, installation, repair or other work performed in connection with a **Permit** shall meet all applicable **Township Standards**;
  - (d) the **Permit Holder** shall ensure that upon the earlier of
    - a. completion of the work authorized by the **Permit**; or
    - b. expiration of the **Permit**;
  - (e) the **Road Allowance** shall be returned to a clean and unencumbered state and shall be fully rehabilitated to the satisfaction of the **Director**; and
  - (f) all drains, catch basins, ditches, culverts and watercourses shall be installed, and maintained in accordance with **Township's Standards** and the requirements of the following agencies, as applicable: the Grand River Conservation Authority, the Ministry of Transportation, the Ministry of Natural Resources and the Ministry of the Environment.
25. In addition to any terms or conditions imposed by the **Director** and the terms and conditions in Section 24, the following conditions apply to all **Permits** for **Entrances**:
- (a) all **Entrances** shall extend sufficiently onto the **Abutting Property** to allow parking on the **Abutting Property** and not on the **Road Allowance**;
  - (b) all **Entrances** within the **Urban Area** must have a hard surface (consisting of such **Material** as is approved by the Township, including asphalt, concrete, patterned concrete, **interlocking** brick, or paving stone);
  - (c) the minimum distance at the **Curb Line** between **Entrances** on the same property **Frontage** shall be:
    - i. a minimum of 12 meters for **Urban Area** lots;
    - ii. a minimum of 15 meters for **Rural Area** lots for the first two **Entrances** and 30 meters for each additional **Entrance**; or
    - iii. at the discretion of the **Director** or delegate;
  - (d) any **Entrance** to a commercial or industrial property shall conform to the **Township's** Site Plan Approval process;
  - (e) ramping is not permitted in lieu of an **Entrance**; and
  - (f) all **Entrances** shall have unobstructed visual sightlines for entry/exit to any part of the **Road Allowance** including sidewalks and/or bike trails

## **PART 9 - ORDERS AND POWERS**

26. The **Director** and **Officers** appointed by the **Township** shall have all powers necessary to carry out the administration and enforcement of this By-law, including without limitation, issuing Orders. For clarity, where Part 8 of this By-Law provides that the **Township** may take any action or do anything:
- (a) the action or thing may be taken or done at the direction of either the **Director** or an **Officer**, unless this By-Law specifies otherwise;
  - (b) the **Director** or an **Officer** may enlist such forces as deemed appropriate to undertake that action or thing, including without restriction, third-party contractors, agents or suppliers of goods and **Services**.
27. Where the **Township** has reason to believe that any **Person** is or will be in contravention of this By-law, or any term or condition of a **Permit**, the **Township** may issue a Stop Work Order directing the activities cease immediately upon service of the Order on the **Person** or **Persons** listed in the Order.
28. Where the **Township** has reason to believe that any **Person** is in contravention of this By-law, or any term or condition of a **Permit**, the **Township**, may issue a Work Order directing the **Person** or **Persons** to take such actions as are necessary to comply with this By-law or the **Permit** as the case may be, within ten (10) days of the service of the Order upon the

**Person** or **Persons** listed in the Order.

29. Where the Township has reason to believe that a contravention of this By-law or any term or condition of a **Permit**, which may result in the issuing of a Work Order, poses a risk to public health or safety, the Work Order may provide that the actions set out therein be taken immediately.
30. Any **Person** to whom an Order is issued pursuant to this By-law shall comply with the terms of such Order.
31. Where the **Person** or **Persons** to whom a Work Order is issued fails to perform the work required by the Order within the time stipulated in the Order, the **Township** may without further notice perform such work as it deems appropriate.
32. The **Township** may at any time without issuing an Order, and without notice or compensation to any **Person**:
  - (a) remove, repair or alter any **Entrance** for which a **Permit** has not been issued; or
  - (b) remove, repair, alter or take any other corrective action or work with respect to anything that has not been constructed, repaired, undertaken, stored, placed, planted or deposited in accordance with this By-law or a **Permit** issued under this By-law.
33. Where the **Township** undertakes any removal, repair, alteration, corrective action or work pursuant to Section 31 and 32:
  - (a) anything removed may be destroyed or disposed of without notice or compensation to any **Person**; and
  - (b) a **Permit Holder**, **Owner** and any other **Person** the **Township** reasonably determines is in contravention of this By-law or any term or condition of a **Permit** shall be jointly and severally responsible for all costs of the Township incurred in the exercise of the powers thereunder, including administrative costs and interest. Such costs, as determined by the **Director**, shall constitute a charge under the Municipal Act, 2001, S.O. 2001, c. 25 as amended, and may be added to the tax roll of Property held by the **Permit Holder**, **Owner** or other **Person** in the manner provided for therein.

#### **PART 10 - SERVICE**

34. An Order may be served by any of the following means:
  - (a) delivered personally;
  - (b) posted on an **Abutting Property**;
  - (c) emailed to the last known email address of the **Person** to whom the Order is directed;
  - (d) deposited in the mailbox or mail slot of the **Person** to whom the Order is directed;
  - (e) sent by prepaid regular mail to the last known address of the **Person** to whom the Order is directed or
  - (f) sent by registered mail to the last known address of the **Person** to whom the Order is directed.
35. Where service is effected by:
  - (a) regular mail, it shall be deemed to be made on the fifth (5th) day after the date of mailing;
  - (b) registered mail, it shall be deemed to be made on the second (2<sup>nd</sup>) day after the date of mailing;
  - (c) any other means, it shall be deemed effective on the day the document served was delivered, posted, emailed or deposited;
  - (d) service by multiple means, it shall be deemed effective on earliest applicable date set out in Subsections (a)-(c).



## **PART 11 - ENFORCEMENT**

36. For the purpose of ensuring compliance with this By-law, an **Officer** may, at all reasonable times, enter upon and inspect any land, including without limitation **Private property**, to determine whether or not the following are being complied with:
  - (a) this By-law;
  - (b) a direction or order made under this By-law; or a prohibition order made under s. 431 of the Municipal Act, 2001.
37. An **Officer** may, for the purposes of the inspection under Section 34:
  - (a) require the production for inspection of documents or things relevant to the inspection;
  - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - (c) require information in writing or otherwise as required by the **Officer** from any **Person** concerning a matter related to the inspection; or
  - (d) alone or in conjunction with a **Person** possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
38. Any cost incurred by the Township in exercising its authority to inspect, including but not limited to the cost of any examination, test, sample or photographs necessary for the purposes of the inspection, shall be paid by the **Owner** of the property where the inspection takes place.
39. An **Officer** may undertake an inspection pursuant to an order issued by a provincial judge or justice of the peace under section 438 of the Municipal Act, 2001 where he or she has been prevented or is likely to be prevented from carrying out an inspection under Sections 39 and 40 of this By-law.
40. No **Person** shall hinder or obstruct, or attempt to hinder or obstruct, an **Officer**, from carrying out inspections of land to ensure compliance with this By-law
41. Sections 36, 37 and 39, do not restrict the authority of the **Director, Township, Officers, Township** employees, agents, contractors and other **Persons** authorized by the Township from entering upon **Township Road Allowances**, including **Entrances**, at any time to conduct inspections or for any other Township purpose.

## **PART 12 - OFFENCES**

42. Every **person** who contravenes any provision of this By-law or an Order issued pursuant to this By-law is guilty of an offence and upon conviction shall be subject to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.
43. Where a contravention of a provision of this By-law or an Order is committed on or continues for more than one day, the **Person** who commits it is liable to be convicted for a separate offence for each day on which it is committed or continued. For clarity, in the case of an **Order**, a contravention continues for every day or part of a day past the date set out in the Order by which the work must be complete or action taken, as the case may be.
44. Where a contravention of this By-law has occurred, the **Owner** or **Permit Holder** may be charged with and convicted of an offence for which any **Person** subject to this By-law may be charged and, on conviction, the **Owner** or **Permit Holder** is liable to pay the penalty prescribed for the offence.
45. An **Owner** or **Permit Holder** is not liable under Section 42 where the

**Owner or Permit Holder** establishes that:

- (a) the contravention of this By-law was without the knowledge and consent of the **Owner or Permit Holder**, as the case may be;
- (b) upon becoming aware of the contravention, the **Owner or Permit Holder**, as the case may be, took all reasonable steps to stop and rectify the contravention of this By-law; and
- (c) in the case of a contravention of an Order, the **Owner or Permit Holder** was not named in the Order.

### **PART 13 - PENALTY**

- 46. Every **Person** who is convicted of an offence contrary to this By-law is liable,
  - (a) on a first conviction to a fine of not more than \$10,000, in the case of an **Individual**, and to a fine of not more than \$50,000 in the case of a **Corporation**; and
  - (b) on any subsequent conviction, to a fine of not more than \$25,000 in the case of an **Individual**, and to a fine of not more than \$100,000 in the case of a **Corporation**.
- 47. Despite Section 46, a **Person** convicted of a continuing offence is liable to a fine of no less than Five Hundred Dollars (\$500) and no more than Ten Thousand Dollars (\$10,000) for each day or part of a day on which the offence occurs or continues.
- 48. Where a conviction is entered for contravention of the By-law, in addition to any other remedy or any penalty provided by law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the **Person** convicted.

### **PART 14 – SCHEDULES**

- 49. Schedule “A” (Short Form Wording and Set Fines) attached hereto does not form part of this By-law.

### **PART 14 - SEVERABILITY**

- 50. When a court of competent jurisdiction declares any section or part of this By-law invalid, the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

### **PART 15 - REPEAL**

- 51. Township of Eramosa By-law 47-93 as amended are repealed upon the coming into force and effect of this By-law.

### **PART 16 - ENACTMENT**

- 52. This By-law comes into force and effect on the day it is passed.

READ three times and finally passed  
This 19<sup>th</sup> day of **April, 2021**.

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Chris White, Mayor

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Amanda Knight, Clerk

**SCHEDULE 'A' TO BY-LAW NO. 18/2021 (AS AMENDED)**

**THE TOWNSHIP OF GUELPH/ERAMOSA**

**PART 1 PROVINCIAL OFFENCES ACT BY-LAW 18/2021: ENTRANCE PERMITS**

**Being a by-law to regulate the installation, construction, alteration or change in the use of any private Entranceway that Permits access to a Township Road Allowance.**

<b>ITEM #</b>	<b>Short Form Wording</b>	<b>Provision Creating or Defining Offence</b>	<b>Set Fine</b>
1	Construct, widen, or alter any entrance without a permit	Section 4	\$500.00
2	Construct, install, widen or alter an Entrance not in accordance with plans, specifications or documents	Section 5	\$500.00
3	Use, construct, install, widen or alter an entrance for a purpose other than access to abutting property	Section 6	\$350.00
4	Place, store, or deposit materials, goods, vehicles, derelict vehicles or things within an entrance	Section 7	\$500.00
5	Fail to maintain entrance in good state of repair	Section 11	\$500.00
6	Assign, or transfer a permit without the consent of the Director	Section 23	\$500.00
7	Fail to comply with an Order	Section 30	\$750.00
8	Hinder, or obstruct, or attempt to hinder or obstruct an Officer	Section 40	\$900.00

**NOTE:** The general penalty provision for the offences indicated above is Section 42 of By-law no. **18/2021** as amended, a certified copy of which has been filed.

# AMENDMENT HISTORY

## ENTRANCE PERMIT BY-LAW

DATE (YYYY/MM/DD)	BY-LAW	AUTHORITY	CONSOLIDATED
2021 / 04 / 19	<a href="#">18-2021</a>	<a href="#">Item 8.4, By-law Enforcement Report 21/04, Regular Council Meeting</a>	✓
2021 / 05 / 03	<a href="#">20-2021</a>	<a href="#">Item 11.1, By-law Enforcement Report 21/07, Regular Council Meeting</a>	✓